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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,723	09/29/2003	Timothy B. Pearson	13952 (6365/88821)	1919

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08/04/2005

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EXAMINER

NGUYEN, JIMMY T

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,723

Applicant(s)

PEARSON ET AL.

Examiner

Jimmy T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

The amendment filed on May 31, 2005 has been entered and considered and an action on the merits follows.

Drawings

The drawings were received on May 31, 2005. These drawings have been approved and overcame the drawing objections noted in the last Office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Annis, Jr. (hereinafter “Annis”) (US 4,605,456).

Regarding claims 1 and 6, the claims are rejected for substantially the same reasons as set forth on the last Office action.

Annis discloses a strapping machine (fig. 1) comprising: a frame (fig. 1); a strap material supply (24); a strapping head (33), a strap path being defined from the strap material supply to the strapping head (see phantom line in figure 1), the strapping head including a feed element (36, 38) for conveying the strap material during the feed mode in a first direction around the load (fig. 2) and for conveying the strap material in a second, opposite direction to tension the strap

material around the load (fig. 5), the strapping head including a rotating winder (80) for tensioning the material around the load, the winder having a peripheral strap path (84) and a central strap path (82), the strap material moving through the central strap path when the strap material is conveyed in the first and second directions (figs. 4 and 5) and wrapping around the peripheral strap path after the strap material has moved in the second direction (fig. 6) and when in the tensioning mode, the strapping head further including a winder arm (106) configured to cooperate with the winder (fig. 5), the winder arm biased to rest against the winder to direct strap material to a predetermined region (a region between elements (104) and (118)) of the strapping machine when the strapping machine transitions from the rewind mode to the feed mode. Annis also discloses tensioning the strap material and sealing the strap material to itself around the load (col. 4, lines 36-38).

The amended claims 1 and 6 now call for “the winder arm configured to remain in contact with the winder peripheral strap path as the winder rotates”. Annis discloses the winder arm (106) biased against the winder peripheral strap path of the winder (80) by the spring (110) as the winder rotates; and thus, the winder arm configured to remain in contact with the winder peripheral strap path as the winder rotates.

Regarding claims 2, 4, and 8, Annis discloses a roller (104) mounted to an end of the winder arm for resting against the winder (see figs. 5 and 6).

Regarding claims 3, 5, 7, and 9, Annis discloses the winder arm is mounted to the strapping machine frame about a pivot (fig. 5), and wherein the winder arm is biased by a coil spring (110) operably connected to the winder arm intermediate the pivot and a free end of the winder arm (fig. 5).

Response to Arguments

Applicant's arguments filed May 31, 2005 have been fully considered but they are not persuasive.

Applicant argues that the roller of Annis has nothing to do with directing strap (page 7, lines 8-10). With respect to Applicant's assertions, this argument is not found persuasive because Annis discloses the winder (80) having a strap-engaging surface (84) on the periphery of the winder (col. 6, lines 24-25), and the roller (104) is biased against the periphery of the winder (col. 7, lines 12-20). As the winder rotates clockwise (fig. 6), besides ensuring the proper positioning of the winder, the roller also guides the strap material (22) from the central strap path location (82) or a feed mode (fig. 2) to a region in the periphery of the winder (see the region where the roller (104) biased against the winder in figure 6) or a rewind mode (fig. 6). Therefore, when the winder rotates counterclockwise from the rewind mode to the feed mode, the roller inherently directs the strap material outward in a region of the strapping machine. Accordingly, the rejection is deemed proper and stands.

Applicant further argues that the roller of Annis cannot be maintained in physical contact with the periphery of the winder because of the recessed disposed on the periphery of the winder (page 7, lines 11-17). With respect to Applicant's assertions, this argument is not found persuasive because claims 1 and 6, as amended, merely call for "the winder arm configured to remain in contact with the winder peripheral strap path as the winder rotates" and it does not specifically recite at which rotation points on the winder peripheral strap path the winder arm configured to remain in contact with the winder peripheral strap path. The examiner submits that Annis does disclose the winder arm configured to remain in contact with the winder peripheral

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strap path (by the biasing function of the spring (110) as the winder rotates from the point where the roller (104) contact the winder (fig. 6) back to the recess (102) in the peripheral of the winder (80).

As to the Applicant's argument that "the roller of Annis must move off of the peripheral strap path as the roller moves out of the recess" is not found persuasive, because Annis discloses the recess is in the periphery strap path and the roller is biased against the periphery strap path (col. 7, lines 12-20). Therefore, the roller would not move off of the peripheral strap path as the roller moves out of the recess.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

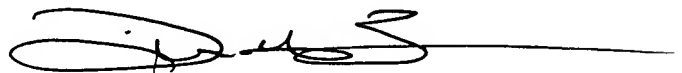
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
July 27, 2003



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
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